

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of LASHANNA MARIA  
HENDERSON and CYNTORIA NASHAY  
HENDERSON, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL SIMMONS,

Respondent-Appellant,

and

RAINY SALON HENDERSON, RAYMOND  
TUCKER and MARIO TAYLOR,

Respondents.

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UNPUBLISHED

August 3, 1999

No. 212858

Wayne Circuit Court

Family Division

LC No. 96-337483

Before: Gribbs, P.J., and Smolenski and Gage, JJ.

**MEMORANDUM.**

Respondent-appellant appeals as of right from the family court order terminating his parental rights to LaShanna Maria Henderson under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). The family court order also terminates the parental rights of respondents Rainy Salon Henderson, Raymond Tucker and Mario Taylor, who are not parties to this appeal. We affirm the termination order as modified.

Under MCR 5.974(B)(2), a “respondent” in a termination of parental rights proceeding includes the father of a child as defined by MCR 5.903(A)(4). Respondent-appellant does not fit any of the definitions of “father” listed in MCR 5.903(A)(4). Respondent-appellant was not named in the

petition to terminate parental rights and petitioners did not request that his parental rights be terminated. The court found that respondent Raymond Tucker was the putative father of the child. Moreover, following a hearing pursuant to MCR 5.921(D)(2)(b), the trial court specifically determined that respondent-appellant failed to establish by a preponderance of the evidence that he was the natural father of the minor child. Under these circumstances, respondent did not have any parental rights to terminate. See *In re Gillespie*, 197 Mich App 440; 496 NW2d 309 (1992). Accordingly, we direct that respondent-appellant's name be stricken from the order terminating parental rights. The order is affirmed in all other respects.

Affirmed in part and reversed in part.

/s/ Roman S. Gibbs  
/s/ Michael R. Smolenski  
/s/ Hilda R. Gage